

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

LEON MITCHELL #108346
PETITIONER,

CIVIL ACTION NO. 5:11-CV-0256 SEC P

VERSUS

JUDGE WALTER

WARDEN BURL CAIN,
LOUISIANA STATE
PENITENTIARY, RESPONDENT.

EXHIBITS

SUPPLEMENT TO STATE COURT RECORD

CLERK OF COURT - CADDO PARISH

GARY LOFTIN
CLERK OF COURT
501 Texas, Room 103
Shreveport, LA 71101-5408

CRIMINAL CASE MINUTES OF THE FIRST DISTRICT COURT
PARISH OF CADDO - SHREVEPORT, LOUISIANA

125,689 State of Louisiana vs. Leon Brockett Judge Hamilton
DEC 30 1983 Motion to appoint counsel was filed by the district attorney.
The defendant present in open court with Attorney Donald R. Minor of the Indigent Defenders Office, stated to the Court that he was unable to employ an attorney, and the Court appointed the Indigent Defenders Office as defense counsel. Case was set for preliminary examination on January 16, 1984.

125,689 State of Louisiana vs. Leon Brockett Judge Bohm
Motion for discovery was filed this day by the defendant.
JAN 16 1984

125,689 State of Louisiana vs. Leon Brockett Judge Scott
The defendant appeared in open court with counsel, Mary Brown, and case was taken up for preliminary examination. Evidence was adduced, closed, argued, submitted and the Court ruled probable cause shown. The Court set bond on the defendant at \$100,000.00. Case was continued until January 27, 1984 for arraignment.

125,689 State of Louisiana vs. Leon Brockett Judge Scott
JAN 26 1984 Motion to Obtain Samples with Order was filed this day by the District Attorney and signed by Judge Charles R. Scott.

125,689 State of Louisiana vs. Leon Brockett Judge Scott
JAN 27 1984 AGGRAVATED SEXUAL BATTERY TWO COUNTS
The district attorney filed bill of information. The defendant present in open court with counsel, Mary Brown, waived arraignment and pled not guilty. The Court informed the defendant that he may waive trial by jury and elect to be tried by the Court. The Court allowed the defendant until February 10, 1984 to file motions. Case was continued until March 6, 1984 for argument and evidentiary hearing.

125,689 State of Louisiana vs. Leon Brockett Judge Scott
FEB 3 1984 AGGRAVATED SECUAL BATTERY TWO COUNTS
Motion for Discovery by The State, and State's Response to Defendant's Motion for Discovery were filed this day by the District Attorney.

125,689 State of Louisiana vs. Leon Brockett Judge Hamilton
FEB 3 1984 AGGRAVATED SEXUAL BATTERY
Motion to Suppress was filed this day by defendant.

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CRIMINAL CASE MINUTES OF THE FIRST DISTRICT COURT
PARISH OF CADDO - SHREVEPORT, LOUISIANA

125,689 State of Louisiana vs. Leon Brockett AGGRAVATED SEXUAL BATTERY TWO COUNTS Judge Scott
MAR 6 1984 The accused, being present with his counsel, Mary Brown, case was upset for argument and evidentiary hearing this day and reset for March 26, 1984. Motion for Bond Reduction was filed this day by defendant, said motion was argued, submitted and denied.

125,689 State of Louisiana vs. Leon Brockett AGGRAVATED SEXUAL BATTERY Judge Scott
MAR 26 1984 The accused, being present with his counsel, Marv Brown, case was regularly taken up for evidentiary hearing on motion to suppress, evidence adduced, closed and matter submitted and denied. Case was set for trial on Mar 21, 1984.

125,689 State of Louisiana vs. Leon Brockett AGGRAVATED SEXUAL BATTERY Judge Scott
JUN 1 1984 Joint motion for continuance with order that this case be continued for trial until July 23, 1984 filed this day and signed by Judge Charles R. Scott.

125,689 State of Louisiana vs. Leon Brockett AGGRAVATED SEXUAL BATTERY TWO COUNTS JOHN F. FANT
JUN 20 1984 Motion to obtain samples was filed by the district attorney.

125,689 State of Louisiana vs. Leon Brockett AGGRAVATED SEXUAL BATTERY (TWO COUNTS) JOHN F. FANT
JUN 27 1984 The accused, Leon Brockett, being present with his counsel, Mary Brown, Motion to Obtain Samples argued, submitted and granted.

125,689 State of Louisiana vs. Leon Brockett AGGRAVATED SEXUAL BATTERY (TWO COUNTS) JOHN F. FANT
JUL 1 1984 State's Amended Response to Defendant's Motion for Discovery was this day filed by the District Attorney.

125,689 State of Louisiana vs. Leon Brockett AGGRAVATED SEXUAL BATTERY JOHN F. FANT
JUL 19 1984 The District Attorney filed an Amended Bill of Information.

125,689 State of Louisiana vs. Leon Brockett AGGRAVATED SEXUAL BATTERY JOHN F. FANT
JUL 23 1984 The accused, Leon Brockett, being present with his counsel, Mary Brown, waived arraignment and pled not guilty to the charge. Case was set for trial July 23, 1984.

CLERK OF COURT - CADDO PARISH

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CRIMINAL CASE MINUTES OF THE FIRST DISTRICT COURT

PARISH OF CADDO - SHREVEPORT, LOUISIANA

125,689 State of Louisiana vs. Leon Brockett **JOHN F. FANT**
AGGRAVATED SEXUAL BATTERY

JUL 23 1984

This case having been regularly set for trial, the defendant, Leon Brockett, being present with his counsel, Mary A. Brown, now comes James E. Stewart, assistant district attorney, who prosecutes on behalf of the State. The Court read the qualifications of a juror to the Petit Jury Venire. The Court ordered the roll called of the Petit Jury Venire summoned to report this day at 10:30 o'clock a.m., and of the one hundred (100) persons on said venire, twenty-eight (28) reported present, fifty-four (54) not present were excused by the Court for good and sufficient reasons, sixteen (16) were reported "Unable to Serve" by the Sheriff, and two (2) did not answer. Of the said twenty-eight (28) persons present, one (1) was excused by the Court for good and sufficient reason. The State and defense announced ready for trial and case was taken up for trial. Empaneling of the jury was begun and from the Petit Jury Venire came the following persons, to-wit: Jamy H. Grant, Bobby Thompson, Myrtle H. Simmons, Jane B. Hancock, Leslie Jones, and Denise A. Miller, making a jury of six (6) good and true persons, all of the Parish of Caddo, who were duly qualified, empaneled, and sworn to try this case. The defendant was present with his counsel when the jury was qualified, empaneled, and sworn. During the empaneling of the jury of six (6) persons, the defense used five (5) peremptory challenges and the State used two (2) peremptory challenges. The Court ordered that one (1) additional juror be empaneled to act as an alternate juror and the Court allowed the defense and the State each one (1) peremptory challenge, and from the Petit Jury Venire came the following person, to-wit: Debra Parker, of the Parish of Caddo, who was duly qualified, empaneled, and sworn to act as an alternate juror in this case. The defendant was present with his counsel when the one (1) alternate juror was qualified, empaneled, and sworn. During the empaneling of the one (1) alternate juror, the State used not peremptory challenges, and the defense used no peremptory challenges. The Bill of Information and plea of the defendant on arraignment were read aloud by the clerk. Case was continued until tomorrow morning, Tuesday, July 24, 1984 at 9:00 a.m. for the taking of testimony.

125,689 State of Louisiana vs. Leon Brockett **JOHN F. FANT**
AGGRAVATED SEXUAL BATTERY

This case being on trial, the defendant being in open court with his counsel, Mary Brown, the Assistant District Attorney, James E. Stewart being present, the Jury in the Jury Box, and the judge presiding, trial was resumed. The Assistant District Attorney made his opening statement and counsel for the defendant made an opening statement. Evidence of the state was adduced and closed. On request of the state the jurors were sequestered and the state made an oral motion as to the competence of the victim to testify. For reasons orally assigned the Court continued the case until July 25, 1984 at 9:00 A.M. for ruling and testimony.

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CRIMINAL CASE MINUTES OF THE FIRST DISTRICT COURT PARISH OF CADDO - SHREVEPORT, LOUISIANA

125,689 State of Louisiana vs. Leon Brockett

AGGRAVATED SEXUAL BATTERY

JOHN F. FANT

This case being on trial, the defendant being in open court with his counsel, Mary Brown, the assistant district attorney, James E. Stewart, being present, the jury being sequestered, the judge presiding, trial was resumed. The victim was questioned to determine her compantance to testify. After such questioning the court ruled the victim was incomapent to testify. The defense announced that it had no other witnesses or evidence to introduce. All evidence was concluded. The defendant was present with his counsel during the taking of all evidence. Case was argued by the assistant district attorney and defense counsel. The defendant was present with his counsel durting the arguments of counsel. Whereupon, the jury was charged by the Court, the defendant being present. After being charged by the Court, the jury retired to the jury room, at 11:20 o'clock a.m.,in charge of the Sheriff, to consider their verdict. The jury returned into open court at 12:05 o'clock p.m. and was asked by the Court if they had reached a verdict. The foreman of the jury answered affirmatively. The jury, through their foreman, upon their oath does say: "July 25,1984. We, the jury, find the defendant, Leon Brockett, guilty. (SIGNED) Jane B. Hancock, Foreman". The verdict was read aloud by the clerk and the defendant was present with his counsel when the jury returned the verdict and when the verdict was read. The Court ordered that a Pre-Sentence Investigation be prepared by the Probation Department. The Court further ordered that the defendant be remanded to jail to await sentence and that the jury be discharged.

125,689 State of Louisiana vs. Leon Brockett

AGGRAVATED SEXUAL BATTERY JOHN F. FANT

Written Charge to the Jury was filed this day by Judge John F. Fant.

125,689 STATE OF LOUISIANA VS. LEON BROCKETT

AGGRAVATED SEXUAL BATTERY

10/10/84 THE DEFENDANT PRESENT IN COURT WITH COUNSEL, PETER FLOWERS, AND HAVING BEEN TRIED BY JURY AND FOUND GUILTY AS CHARGED, NOW COMES FOR SENTENCE. WHEREUPON, FOR REASONS ORALLY ASSIGNED, LEON BROCKETT WAS SENTENCED TO BE CONFINED AT HARD LABOR FOR FIFTEEN (15) YEARS, AND COMMITTED TO THE LOUISIANA DEPARTMENT OF CORRECTIONS, SUBJECT TO THE CONDITIONS PROVIDED BY LAW. THE COURT INFORMED THE DEFENDANT OF HIS RIGHT TO APPEAL. (JUDGE FANT)

CLERK OF COURT - CADDO PARISH

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501 Texas, Room 103
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CRIMINAL CASE MINUTES OF THE FIRST DISTRICT COURT
PARISH OF CADDO - SHREVEPORT, LOUISIANA

125689 STATE OF LOUISIANA VERSUS LEON BROCKETT
AGGRAVATED SEXUAL BATTERY

10/10/1984 THE DEFENDANT PRESENT IN COURT WITH COUNSEL, PETER FLOWERS, AND HAVING BEEN TRIED BY JURY AND FOUND GUILTY AS CHARGED, NOW COMES FOR SENTENCE. WHEREUPON, FOR REASONS ORALLY ASSIGNED, LEON BROCKETT WAS SENTENCED TO BE CONFINED AT HARD LABOR FOR FIFTEEN (15) YEARS, AND COMMITTED TO THE LOUISIANA DEPARTMENT OF CORRECTIONS, SUBJECT TO THE CONDITIONS PROVIDED BY LAW. THE COURT INFORMED THE DEFENDANT OF HIS RIGHT TO APPEAL.
(JUDGE FANT)

10/15/1984 MOTION FOR APPEAL WTH ORDER THAT AN APPEAL IS GRANTED IN THIS CASE, THAT THE STATE'S DESIGNATION OF RECORD BE FILED BY THE 19TH DAY OF OCTOBER, 1984; THAT THE TRANSCRIPTS BE FILED ON OR BEFORE THE 30TH DAY OF NOVEMBER, 1984; THAT THE ASSIGNMENTS OF ERROR BE FILED BY THE 7TH DAY OF DECEMBER, 1984; AND THAT THE RECORD IN THIS MATTER BE LODGED IN THE LOUISIANA SECOND CIRCUIT COURT OF APPEAL BY THE 14TH DAY OF DECEMBER, 1984, WAS FILED BY THE DEFENDANT AND SIGNED JUDGE JOHN F. FANT. DESIGNATION OF THE RECORD WITH ORDER THAT THE PORTIONS OF THE PROCEEDING DESIGNATED FOR THE RECORD BY THE DEFENDANT SHALL BE TRANSCRIBED, WAS FILED BY THE DEFENDANT AND SIGNED JUDGE JOHN F. FANT.

12/07/1984 ASSIGNMENTS OF ERROR WERE FILED BY THE DEFENDANT.
(JUDGE FANT)

10/22/1985 DECREE SHOWING DEFENDANT'S CONVICTION AND SENTENCE AFFIRMED (SEE DECREE), WAS RECEIVED FROM THE LOUISIANA SECOND CIRCUIT COURT OF APPEAL AND FILED.

ATTEST
A TRUE COPY
On This The 28 Day of Jan, 2014
C. M. R.
DEPUTY CLERK
FIRST JUDICIAL DISTRICT COURT
CADDO PARISH, LOUISIANA

CLERK OF COURT - CADDO PARISH

GARY LOFTIN
CLERK OF COURT
501 Texas, Room 103
Shreveport, LA 71101-5408

CRIMINAL CASE MINUTES OF THE FIRST DISTRICT COURT

PARISH OF CADDO - SHREVEPORT, LOUISIANA

167325 STATE OF LOUISIANA VERSUS LEON BROCKETT
UNAUTHORIZED ENTRY OF AN INHABITED DWELLING

12/16/1993 MOTION TO APPOINT COUNSEL WAS FILED BY THE STATE. THE DEFENDANT, LEON BROCKETT, PRESENT IN COURT WITH ATTORNEY ALAN GOLDEN OF THE INDIGENT DEFENDER'S OFFICE, STATED TO THE COURT THAT HE WAS UNABLE TO HIRE COUNSEL, AND THE COURT APPOINTED THE INDIGENT DEFENDER'S OFFICE AS DEFENSE COUNSEL. CASE WAS SET FOR PRELIMINARY EXAMINATION FEBRUARY 1, 1994. THE COURT SET BOND IN THE AMOUNT OF \$10,000.00. (JUDGE BRYSON)

12/21/1993 MOTION FOR DISCOVERY WAS FILED THIS DAY BY THE DEFENDANT.

02/01/1994 THE ACCUSED, BEING PRESENT WITH HIS COUNSEL, BETTY MARAK, CASE WAS REGULARLY TAKEN UP FOR PRELIMINARY EXAMINATION. EVIDENCE WAS ADDUCED, CLOSED AND SUBMITTED. WHEREUPON, THE COURT RULED THE STATE HAS SHOWN PROBABLE CAUSE. THE DISTRICT ATTORNEY FILED THE BILL OF INFORMATION. THE ACCUSED WAIVED ARRAIGNMENT AND PLED NOT GUILTY TO THE CHARGE. THE COURT INFORMED THE ACCUSED HE MAY WAIVE TRIAL BY JURY AND ELECT TO BE TRIED BY A JUDGE. THE COURT ALLOWED THE ACCUSED UNTIL FEBRUARY 17, 1994 TO FILE MOTIONS AND CASE WAS CONTINUED TO MARCH 8, 1994 FOR ARGUMENTS AND EVIDENTIARY HEARINGS ON ANY MOTIONS FILED. (JUDGE BRYSON)

02/18/1994 THE ACCUSED, BEING PRESENT WITH HIS COUNSEL, BETTY MARAK, WITHDREW HIS FORMER PLEA OF NOT GUILTY AND PLED GUILTY TO THE CHARGE. THE COURT INFORMED THE DEFENDANT OF HIS CONSTITUTIONAL RIGHTS AS PER BOYKIN VS. ALABAMA (SEE COURT REPORTER'S TRANSCRIPT). SENTENCING WAS DEFERRED TO MARCH 10, 1994. THE DEFENDANT WAS REMANDED TO JAIL TO AWAIT SENTENCE. (JUDGE BRYSON)

03/08/1994 THE DEFENDANT, BEING PRESENT WITH HIS COUNSEL, BETTY MARAK, SENTENCING WAS DEFERRED TO MARCH 31, 1994. (JUDGE BRYSON)

03/31/1994 THE DEFENDANT BEING PRESENT WITH HIS COUNSEL, ALAN GOLDEN, AND HAVING PLED GUILTY TO THE CHARGE, NOW COMES FOR SENTENCE. WHEREUPON, THE COURT SENTENCED THE DEFENDANT TO BE CONFINED AT HARD LABOR FOR A PERIOD OF THREE (3) YEARS, AND COMMITTED TO THE LOUISIANA DEPARTMENT OF CORRECTIONS, SUBJECT TO THE CONDITIONS PROVIDED BY LAW. THE COURT ORDERED THIS SENTENCE TO BE SERVED CONCURRENTLY WITH ANY OTHER SENTENCE, CREDIT FOR TIME SERVED. (JUDGE BRYSON)

12/06/1994 MOTION BY OWNER FOR RELEASE OF SEIZED PROPERTY WAS FILED THIS DAY BY THE DEFENDANT, IN PROPER PERSON. THE DISTRICT ATTORNEY IS ALLOWED UNTIL DECEMBER 16, 1994 TO FILE A RESPONSE.

12/16/1994 ANSWER TO PETITION FOR POST-CONVICTION RELIEF WAS FILED THIS DAY BY THE DISTRICT ATTORNEY.

12/20/1994 MOTION BY OWNER FOR RELEASE OF SEIZED PROPERTY

CLERK OF COURT - CADDO PARISH

GARY LOFTIN
CLERK OF COURT
501 Texas, Room 103
Shreveport, LA 71101-5408

CRIMINAL CASE MINUTES OF THE FIRST DISTRICT COURT

PARISH OF CADDO - SHREVEPORT, LOUISIANA

CASE NUMBER: 167325 (CONT'D)

WAS FILED DECEMBER 6, 1994 BY THE DEFENDANT, IN
PROPER PERSON.

ATTEST
A TRUE COPY
On This The 28 Day of Jan, 20 14
C. McRae
DEPUTY CLERK
FIRST JUDICIAL DISTRICT COURT
CADDO PARISH, LOUISIANA

CLERK OF COURT - CADDO PARISH

GARY LOFTIN
CLERK OF COURT
501 Texas, Room 103
Shreveport, LA 71101-5408

CRIMINAL CASE MINUTES OF THE FIRST DISTRICT COURT

PARISH OF CADDO - SHREVEPORT, LOUISIANA

198365 STATE OF LOUISIANA VERSUS LEON BROCKETT
UNAUTHORIZED ENTRY OF A BUSINESS

10/07/1998 MOTION TO APPOINT COUNSEL WAS FILED THIS DAY BY THE DISTRICT ATTORNEY. THE ACCUSED, LEON BROCKETT, BEING PRESENT WITH DIANE FOSTER, STATED TO THE COURT HE DID NOT HAVE A LAWYER, COULD NOT AFFORD A LAWYER AND THE COURT APPOINTED THE INDIGENT DEFENDER'S OFFICE TO REPRESENT THE ACCUSED. CASE WAS CONTINUED TO NOVEMBER 9, 1998 FOR PRELIMINARY EXAMINATION. THE COURT SET BOND ON THE ACCUSED IN THE AMOUNT OF \$10,000.00. (JUDGE CRICHTON)

10/09/1998 MOTION FOR DISCOVERY AND PRODUCTION OF DOCUMENTS AND MOTION FOR BILL OF PARTICULARS WERE FILED OCTOBER 8, 1998 BY THE DEFENDANT.

11/09/1998 THE ACCUSED, PRESENT IN COURT WITH COUNSEL, DIANE FOSTER, THE STATE FILED A BILL OF INFORMATION. THE ACCUSED WAIVED ARRAIGNMENT AND PLED GUILTY TO THE CHARGE. THE COURT INFORMED THE DEFENDANT OF HIS CONSTITUTIONAL RIGHTS AS PER BOYKIN VS. ALABAMA (SEE COURT REPORTER'S TRANSCRIPT). WHEREUPON, THE DEFENDANT WAS SENTENCED TO PAY COSTS, OR, IN DEFAULT THEREOF, SERVE SIXTY (60) DAYS IN THE PARISH JAIL AND, IN ADDITION, TO BE CONFINED AT HARD LABOR FOR A PERIOD OF THREE (3) YEARS, AND COMMITTED TO THE LOUISIANA DEPARTMENT OF CORRECTIONS, SUBJECT TO THE CONDITIONS PROVIDED BY LAW. THE COURT ORDERED THE HARD LABOR SENTENCE SUSPENDED AND THE DEFENDANT PLACED ON THREE (3) YEARS SUPERVISED PROBATION. SPECIAL CONDITIONS OF PROBATION FILED. THE SENTENCE IMPOSED WAS AN AGREED SENTENCE. THE COURT ORDERED COSTS DEFERRED UNTIL DECEMBER 15, 1998 AND INFORMED THE DEFENDANT OF HIS RIGHT TO POST-CONVICTION RELIEF. (JUDGE CRICHTON)

12/15/1998 THE DEFENDANT, BEING PRESENT WITH HIS COUNSEL, DIANE FOSTER, EXECUTION OF SENTENCE WAS DEFERRED TO JANUARY 7, 1999. (JUDGE CRICHTON)

01/07/1999 THE ACCUSED, BEING PRESENT WITH HIS COUNSEL, DIANE FOSTER, THE COURT ORDERED THE DEFENDANT SERVE SIXTY (60) DAYS IN THE PARISH JAIL IN LIEU OF PAYING THE COURT COSTS. THE COURT ORDERED SAID SENTENCE RUN CONCURRENT WITH ANY OTHER SENTENCE AND ORDERED THE DEFENDANT BE GIVEN CREDIT FOR TIME SERVED. (JUDGE CRICHTON)

ATTEST
A TRUE COPY
On This The 28 Day Of Jan 14, 2014
C. McRae
DEPUTY CLERK
FIRST JUDICIAL DISTRICT COURT
CADDO PARISH, LOUISIANA